

REMARKS

In the application claims 49-75 remain pending and currently stand rejected.

The Applicant would like to put on the record that a telephonic interview was conducted on June 27, 2005 between the Applicant's attorney and the Examiner to discuss the rejection of the claims under 35 U.S.C § 112. No agreement was reached.

In response to the outstanding rejection under 35 U.S.C. § 112, the claims have been amended to clarify what the Applicant regards as the invention. As concerns the newly presented claim language "...storing a sequence of activations of the keys including the navigation keys during a process which also comprises the keys being activated to transmit command codes..." support is found in at least originally filed Fig. 3 and the accompanying description within the specification. For example, as expressly described at Page 14, lines 24+, the remote control stores a value representative of an activated key into a sequence table in memory (step 76) as part of a process which also includes the remote transmitting to an appliance a function command corresponding to the activated key (see step 78). As for the claim language "...storing a time that elapses between activations of two keys within the sequence" support is found in at least originally filed Figs. 7 and 8 and the accompanying description within the specification. For example, as expressly described at Page 19, lines 9+, the remote control remains active to measure the elapsed time between a first key activation and the next key activation which measured, elapsed time is stored into a sequence table. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. § 112 has been rendered moot and this rejection must be withdrawn.

Concerning the rejection of the claims under 35 U.S.C. § 102 and 35 U.S.C. §103 based upon Croy alone or as modified by Abecassis, Croy simply fails to disclose, teach, or suggest monitoring activations of the keys and automatically storing a sequence of activations of the keys including the navigation keys as part of a process which also comprises the keys being activated to transmit to a consumer electronic device command codes to navigate the menu of the digital media or the repeating of the stored sequence of activations of the keys (or subset thereof) to thereby cause a retransmission to the consumer electronic device of command codes corresponding to those activations of the keys that are within the stored sequence.

Croy discloses entering a programming mode whereafter key activations may be monitored and stored to allow a user to navigate a locally stored menu, i.e., a menu that is displayed on the personal navigator itself. When navigating the locally stored menu, the key activations simply do not function to transmit command codes to a consumer appliance. More particularly, Croy describes a system that accepts explicit user input to initiate a special programming mode (e.g., selecting the “save” function from a menu as illustrated in Fig. 38) whereupon the user may enter a sequence of user interactions by interacting with the locally displayed menu. (Col. 18, line 49 – Col. 19, line 1 and Figs. 39, 40 and 41). Croy does not mention nor does Croy infer that commands are transmitted from the remote control to a controlled device while the user is interacting with the locally displayed menu in this programming mode. Once the sequence is complete, the user assigns a name to the sequence (Col. 19, lines 2-7 and Fig. 42) whereby that sequence can be recalled by selecting a “recall” function and the name of the sequence to be executed (Col. 19, lines 11-16) which, upon execution, causes a

program listing to be displayed locally on the remote control (as illustrated in Fig. 46) in accordance with the programmed sequence. Accordingly, operation of the “recall” functions also fails to cause any sort of retransmission to a consumer appliance of command codes. Thus, for the reason that Croy fails to disclose, teach, or suggest monitoring activations of the keys and automatically storing a sequence of activations of the keys including the navigation keys as part of a process that also comprises the keys being activated to transmit command codes to a consumer appliance to navigate the menu of the digital media or the retransmission of command codes corresponding to a sequence so stored, the Applicant submits that the rejection of the claims must be withdrawn.

With regard to certain of the dependent claims, the Applicant once again asserts that the disclosure by Croy of a “delete” key that “allows removal of the marked program from the list” cannot be said to disclose, teach, or suggest the claimed “removing activations of non-navigation keys from the stored sequence” as is set forth in claims 50, 53, and 63. In this regard, the Applicant questions how a “marked program” *in a locally displayed menu* can be said to correspond to a “non-navigation key” which is activated as part of a sequence *used to transmit command codes* to a consumer electronic device for the purpose of navigating a digital media on that consumer electronic device. Since Croy cannot be said to disclose at least the aforementioned claim elements of claims 50, 53, and 63, it is submitted that these claims must be deemed to be allowable.

The Applicant additionally questions how the voice response subsystem of Abecassis which accommodates commands such as play, stop, and pause can be said to correspond to the claimed means for storing the time between actuations of two keys in a sequence. More specifically, the Applicant submits that a voice response subsystem

functions, by definition, to use voice input for the purpose of *eliminating* the activating of keys. Therefore, times between key activations could never even arise (for the simple reason that keys are never interacted with) and these non-existent times could never be stored. Therefore, for the simple reason that Abecassis cannot be said to disclose at least the aforementioned claim elements of claims 51, 54, and 64, it is submitted that these claims must be deemed allowable.

With respect to the rejection of claims 73-75, it is respectfully submitted that this rejection must be withdrawn since Croy fails to disclose the claimed “programming...for receiving data from the player used to define navigation commands that are transmittable to the player for controlling navigation within the menu system [of the media player] and for storing a sequence of the navigation command for subsequent transmission to the player.” While Croy may disclose at Col. 4, lines 15-19 that “the transmission of data can be one-way or two way” and may disclose at Col. 10, lines 53-63 that a *locally displayed menu* is navigable in response to activation of a key, it is respectfully noted that the cited passages never expressly or inferentially describe receiving data *from the player used to define navigation commands that are transmittable to the player for controlling navigation within the menu system* of the player and for storing a sequence of the navigation commands for subsequent transmission to the player as is claimed. Therefore, since Croy fails to disclose, teach, or suggest at least these claimed elements, the rejection of claims 73-75 based upon Croy must be removed.

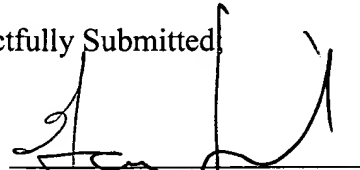
Conclusion

It is respectfully submitted that the application is in good and proper form for allowance. Such action on the part of the Office is respectfully requested.

Date: July 1, 2005

Respectfully Submitted,

By:

A handwritten signature in black ink, appearing to read 'Gary R. Jarosik', is written over a horizontal line.

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